



Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Department, at 520-432-9300. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT DEPT.
HOURS OF OPERATION
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9240
Fax: 520.432.9278**



Cochise County Planning Commission

Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

**Regular Meeting
September 14, 2016
4:00 p.m.**

AGENDA

- 1. 4:00 P.M. - CALL TO ORDER**
- 2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
- 3. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 4. CALL TO THE PUBLIC – CALL TO THE PUBLIC** – Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
- 5. NEW BUSINESS**
Item 1- (Page 1) – PUBLIC HEARING – Docket Z-16-03 (Oldfield) A request to approve a Rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment. The Applicants are Daniel and Jo Oldfield.

Item 2- (Page 17) – PUBLIC HEARING – Docket Z-16-02 (Kerr) A request to approve a Rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres).

The subject parcel is 10.11 acres in size. The request is to facilitate dividing the parcel into five 2-acre parcels. The Applicant is Scott Kerr.

Item 3- (Page 51) – PUBLIC HEARING – Docket SU-16-14 (Brant) The Applicant is requesting a Special Use authorization for dog breeding in a Rural (RU-4) zoning district. The Applicant is proposing to relocate an existing pug breeding operation to the location. The Applicant is Kimberly Brant.

6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

**Next P&Z Commission meeting
October 12, 2016**

- a. SU-16-15 (Foreman) request for Guest Lodging in Cascabel
- b. SU-16-16 (Johnston) request for RV Park in Whetstone

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

8. ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
August 10, 2016
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there were two Special Use Dockets and one Special Use Modification Docket on the agenda. Chairman Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Chairman Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Carmen Miller, Wayne Gregan, Patrick Greene, , Liza Weissler, Nathan Watkins, and Pat Edie indicated their presence. Staff members present included; Paul Esparza, Planning Director; Karen Lamberton, Transportation Planner; Dora Floes, Zoning Administrator; and Peter Gardner, Planner I..

APPROVAL OF THE MINUTES

Motion: Approve minutes of the July 13, 2016 meeting with clerical correction noted by Mr. Watkins

Action: Approve

Moved by: Mr. Gregan **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 6, No = 0, Abstain =1)

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, Ms. Weissler, Nathan Watkins, and Ms. Edie

No: 0

Abstain: Ms. Miller

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke on matters of personal concern.

OLD BUSINESS

Item 1 PUBLIC HEARING SU-16-13 (Williams)

A request to approve a Special Use authorization for overnight dog boarding and dog daycare in a General Business (GB) zoning district. The proposed use is considered Animal Husbandry Services and requires a Special Use Authorization per Section 1205.04 of the Zoning Regulations. The applicant is John Williams.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual

aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, noted that the Applicant was present, along with the property owner.

Ms. Veronica Eguia of Sierra Vista spoke as the Applicant's representative. She expressed concern about exactly what paving needed to be done, and if a delay could be granted until the traffic increased. She also discussed the renovations going on in the suite.

Mr. Dave Perryman of Sierra Vista, the building owner, spoke regarding the paving requirement and his history with the building.

Ms. Eguia spoke again, asking the Commission to consider deferring the pavement requirement.

There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion.

Karen Lamberton, Transportation Planner, spoke to the Commission, explaining the conflict between the transportation issues and the planning incentives to permit redevelopment with reduced development standards. She explained Staffs' rationale for recommending denial of the paving waiver.

There being no further discussion, Chairman Greene called for a motion. Mr. Gregan made a motion to approve the docket as recommended by Staff. Mr. Martzke seconded the motion. Mr. Greene asked for discussion. Ms. Miller, to grant the property owner one year after the issuance of a temporary certificate of occupancy to complete the parking lot. Mr. Watkins seconded the amendment, and Mr. Greene called for a vote on the amendment. The amendment passed 6-1, with Mr. Gregan opposed. There being no further discussion, Chairman Greene called for a vote on the amended motion. The motion passed 7-0.

Motion: Motioned to Approve the Docket as recommended by Staff, with the additional condition that the property owner be granted one year after a temporary certificate of occupancy is granted to complete the parking improvements.

Moved by: Mr. Gregan **Seconded by:** Mr. Martzke

Vote: Motion passed (**Summary:** Yes = 7, No =0, Abstain =0)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

NEW BUSINESS

Item 2 PUBLIC HEARING Docket SU-05-02A (Ayers)

The Applicant is requesting a modification to an existing Special Use authorization to allow for a group / foster home for children ages 0-17. A youth ranch consisting of an educational program; the caring and training of dogs and livestock; housing for students, staff, and volunteers; a chapel; and indoor / outdoor recreational activities are all uses authorized under a previous Special Use authorization SU-15-02 (Agape Ministries). These uses will continue, but will now involve foster children under the Department of Child Safety (DCS) custody along with the proposed group / foster home. The proposed use is considered a residential care institution, which requires a Special Use authorization per Section 607.34 of the zoning regulations. The Applicant is Greg Ayers President of Gap Ministries.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, noted that the Applicant was present.

Mr. Greg Ayers of Tucson spoke, explaining the background of the Applicant's program, and how the request was based on a technicality of State Law, and there would be no real change to the operations.

. There being no further speakers, Mr. Greene closed the public hearing and called for Commission Discussion. There being no discussion, Chairman Greene called for a motion. Mr. Martzke made a motion to approve docket SU-05-02A with the Conditions and Modifications recommended by Staff. Ms. Edie seconded the motion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 7-0.

Motion: Approve the docket as recommended by Staff, with a modified Condition #3.

Moved by: Mr. Martzke **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No =0, Abstain =0)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-16-12 (Verizon St. David)

The Applicant is requesting a Special Use authorization to approve an 85' Tall Communications Tower on a 22.53-acre R-18, C-Neighborhood Conservation, zoned property. The proposed use is considered a Special Use in R-18 Rural Zoning Districts under Section 707.14 of the Zoning Regulations. Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the docket explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staffs' analysis of the request. He noted support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene opened the Public Hearing, noted that the Applicant was present, and invited him to speak.

Mr. Rob Jones of Wavelength Management in Gilbert spoke, explaining the request. He showed a presentation with the proposed tower and showed how it would blend in with the community. Mr. Jones did note that the tower would be 88 feet rather than 85 feet. He explained how the

size of the site and the location benefited the School and the community, noting that coverage and data capacity would improve.

Mr. Mark Goodman, Superintendent of the St. David School District, spoke, noting the support from the school district and emphasizing how the Applicant had worked with the school to come up with a mutually beneficial agreement.

Mr. Robert Kirschmann of St. David spoke, thanking Staff, the Commission, and the Applicant for their hard work on the docket, and noted support for the request.

There being no further speakers, Mr. Green closed the public hearing and called for Commission Discussion. Ms. Miller asked for an explanation of the height of the tower. Mr. Jones explained that it was a line of sight issue to reach the network. Ms. Miller also asked about paint options to blend in with the school's colors. There being no further discussion, Chairman Greene called for a motion. Mr. Martzke made a motion to approve docket SU-16-13 with the conditions as recommended by Staff, adding the words "or school" to Condition #3. Mr. Watkins seconded the motion. There being no further discussion, Chairman Greene called for a vote on the motion. The motion passed 7-0.

Motion: Approve the docket as recommended by Staff, with a modified Condition #3.

Moved by: Mr. Martzke **Seconded by:** Mr. Watkins

Vote: Motion passed (**Summary:** Yes = 7, No =0, Abstain =0)

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Watkins, and Ms. Edie

No: 0

Abstain: 0

1. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

Previous Board of Supervisors

July 26, 2016

- a. R-16-01 (Zoning Regs Update) Forwarded to Board with Commission recommendation of approval. – Approved 2-0

Next P&Z Commission meeting

September 14, 2016

- a. Z-16-02 (Kerr) request to rezone 10 acres from RU-4 to RU-2 near Parker Canyon
- b. Z-16-03 (Oldfield) request to rezone 10 acres from R-36 to RU-4 southeast of Bisbee
- c. SU-16-14 (Brant) request for Animal Husbandry – Dog Breeding north of Pearce

CALL TO COMMISSIONERS ON RECENT MATTERS:

None

ADJOURNMENT – Mr. Greene noted that there was no more business, and the meeting was adjourned at 5:44 pm.



Cochise County
Community Development
Planning, Zoning and Building Safety Division
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *(Signature)*
FOR: Paul Esparza AICP, Planning Director
SUBJECT: Docket Z-16-03 (Oldfield)
DATE: August 30, 2016 for the September 14, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment.

The subject parcels, APN 101-36-045, -046, -048A, & -049, are located on at 5288 N. Lead Stra, east of Bisbee. The Applicants are Daniel & Jo Oldfield.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	10.51 acres
Current Zoning:	R-36 (Residential; one dwelling per 36,000 square feet)
Proposed Zoning:	RU-4 (Rural; one dwelling per 4 acres)
Growth Area:	D – Rural Area
Plan Designation:	Rural
Area Plan:	None
Existing Uses:	Single Family Rural Residential
Proposed Uses:	Same

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	RU-4	Vacant
East	R-36	Vacant
West	RU-4	State Land

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floodplain@cochise.az.gov

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II. PARCEL HISTORY

1925 – Barn built

1960 – Easy Acres Subdivision Platted

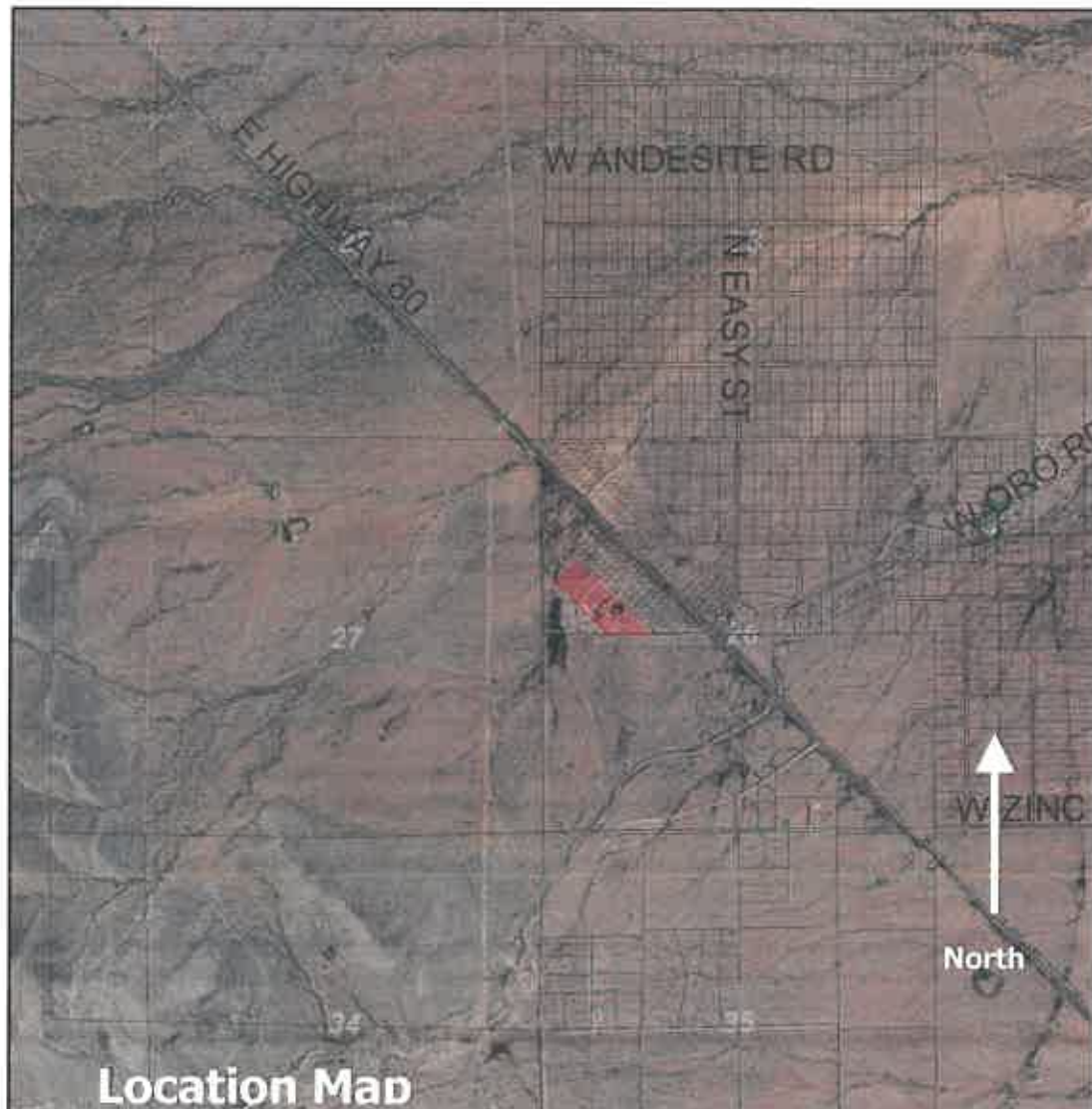
1965 – Single Family Residence, Septic System, and Accessory Buildings Built

2015 – Permit for additional Septic System Issued

III. NATURE OF REQUEST

The Applicants are requesting to amend the zoning of their five contiguous lots in the Easy Acres Subdivision from R-36 to RU-4. This will permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code.

The Easy Acres Subdivision was platted in 1960, 15 years prior to the adoption of Zoning in 1975. Lot sizes in the subdivision vary from 20,000 square feet to two acres, and all of the lots in the subdivision were zoned R-36. Since the subdivision was platted, a total of 14 homes have been built spread over hundreds of lots, indicating a rural type of development. The subject lots are among the largest in the subdivision, and the applicants own five lots, as well as the 120 acres to the south that is not part of the subdivision. The proposed Rural zoning would be more appropriate for the actual pattern of development.





A view of the existing home



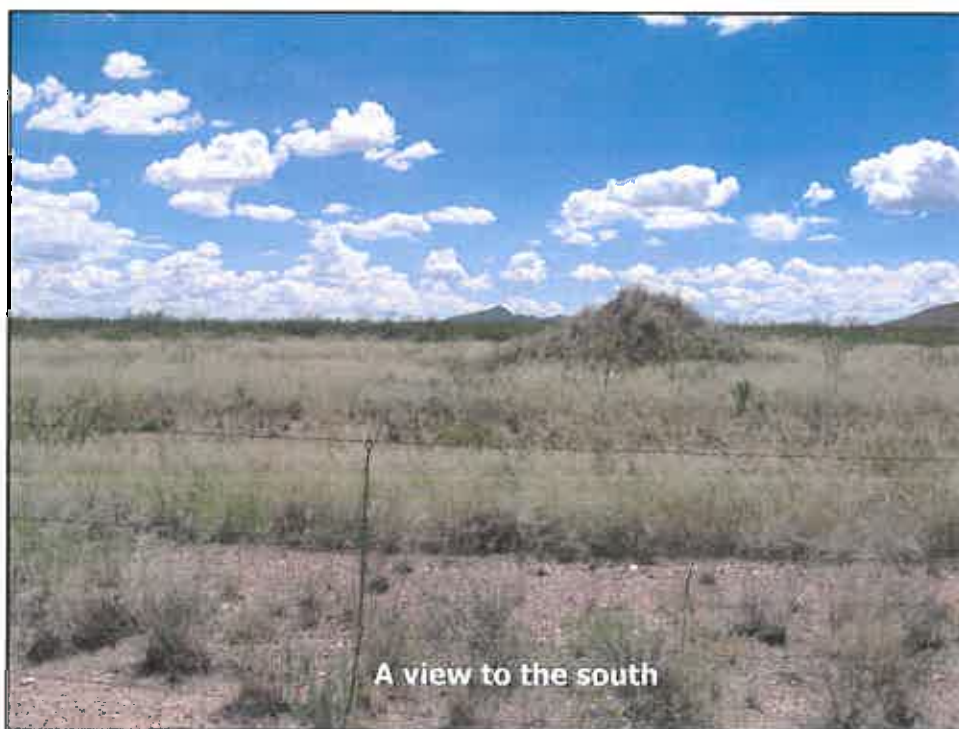
A view of the accessory buildings



A view of Oro Road leading to the site



A view of the driveway



A view to the south

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-4 zoning is permitted in the Category "D," "Rural" areas and is the default zoning for the majority of the County, so this request to rezone to RU-4 complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

1. Provides an Adequate Land Use/Concept Plan: Not Applicable

The Applicants intend to continue to use the parcel for their personal, residential use. The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 10.51-acre site is developed. Downzoning to RU-4 would not negatively impact the ability of the parcel to be further developed. The only site development standard that would become more stringent is the maximum density. The Applicants are aware of this, and have no plans to exceed the RU-4 density.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

There is precedent for RU-4 zoning and Rural Residential development in the immediate area; there is currently RU-4 zoning adjacent to the parcel, and all nearby development fits a similar Rural Residential pattern.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by a factor of six.

7. Adequate Services and Infrastructure: Complies

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation. As the density is decreasing by a factor of six, the existing infrastructure that was designed to support the R-36 density will support the RU-4.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from R-36 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Not Applicable

As this request is for a downzoning, this factor does not apply.

12. Water Conservation: Complies

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

13. Public Input: Complies

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on August 9, 2016. Staff posted the property on August 29, 2016 and published a legal notice in the *Bisbee Observer* on August 25, 2016. Three responses in support were received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property lies within a Category "D"— Rural Area and is considered a "Rural" area per the Comprehensive Plan. This designation is intended to create neighborhoods with lots of two-acres or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received three responses in support.

VI. SUMMARY AND CONCLUSION

The rezoning request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft, to RU-4 (Rural; one dwelling per four acres) on a 10.51-acre parcel located on N. Lead Stravenue approximately 900 feet west of Highway 80. At this time, the area is characterized by open expanses, with all current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Three letters of support have been received.

Factors Against Approval

None

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft) to RU-4 (Rural; one dwelling per four acres) on a 10.51-acre parcel

located on N. Lead Stravenue approximately 900 feet west of Highway 80 to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos



Cochise County
Community Development
Highway and Floodplain Division
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INTEROFFICE MEMO

Date: August 15, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-16-03 (Oldfield)

Background: The applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment.

The subject parcels, APN 101-36-045/046/048A/049, are located on 5288 N. Lead Stravenue, east of Bisbee. They are further described as being situated in Section 23, Township 25 South, Range 26 East of the Gila and Sal River Base, Cochise County, Arizona. The Applicants are Daniel and Jo Oldfield. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from Highway 80, west on West Oro Road, northwest on North Lead Stravenue
- Lead Stravenue is not a county maintained road.
- 60 foot public dedication for Lead Stravenue as shown of record on map entitled Easy Acres, recorded in Book 4 of Maps and Plats, page 22 of Surveys, page 49 & 49A

Recommendation:

- No need for right-of-way dedication is required for Lead Stravenue at this time.

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Cochise County Community Development

Highway and Floodplain Division

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MEMORANDUM

Date: August 23, 2016
To: Peter Gardner, Planner 1
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Oldfield Re-Zoning/Z-16-03/Parcel #101-36-045, 046, 048A, 049

This re-zoning proposes modifying the land designation from R-36 to RU-4 on four parcels. The applicant plans to combine all four parcels into one with the existing structures (house, barn and greenhouse) remaining on the site. The combined parcels are approximately 10.51 acres.

Traffic Analysis

Access is taken from Oro Road, a native surfaced private roadway to Lead Stavenue, also a private roadway. Most of the roads serving this area are not county-maintained. Dedicated public easements underlie these private roadways (30 foot width for Oro Rd. and 60 foot width for Lead Sta.) *A point of interest: There are streets, there are roads, there are parkways...and there are stavenue's. A Stavenue is a designation for a local street that typically runs diagonally, creating angled intersections with other streets.*

With the proposed re-zoning, one residential unit would be allowed per 4 acres, resulting in a potential average trip generation estimate of 19.14 vehicle trips per day. This re-zoning would theoretically reduce the potential traffic impacts on the roadway network. The proposed change to combine parcels would not likely change the existing traffic circulation or create any new traffic impacts. No special driveway requirements apply to a residential use on a non-county maintained roadway.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use, as it currently exists, and is not likely to adversely impact traffic circulation or trip generation in the area. Although platted smaller lots are adjacent to this proposed re-zoning (northeasterly edge) the surrounding area is currently undeveloped and much larger parcels, with RU-4 zoning are located near and around this proposed re-zoning.

Advisory Note for the Applicant

The access roadway currently has a private gate with a keyed entry, which may or may not belong to the applicant. The applicant is advised that both Oro Road and Lead Sta. have publically dedicated easements and travel along those two roadway easements cannot be restricted from vehicle, bicycle, pedestrian or equestrian travel.

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planningandzoning@cochise.az.gov

From: Cratsenburg, Diane E
Sent: Tuesday, August 09, 2016 2:21 PM
To: Gardner, Peter B; Lamberton, Karen L; Solis, Joaquin; Murphy, Teresa; Izzo, Michael D; Flores, Dora V; Hanson, Britt W
Cc: Ellis, Ronald J
Subject: RE: Rezoning Transmittal east of Bisbee
Attachments: N Lead Stra.jpg

This appears to occur where the road is not on County maintenance, so we would not be entertaining a ROW encroachment permit; we only require them for work involving County maintained roads.

Diane Cratsenburg
Engr Tech III
Cochise County Community Development
Highway and Floodplain Division
1415 Melody Lane
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520-432-9337 fax

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From: Gardner, Peter B
Sent: Tuesday, August 09, 2016 1:39 PM
To: Lamberton, Karen L; Solis, Joaquin; Murphy, Teresa; Cratsenburg, Diane E; Izzo, Michael D; Flores, Dora V; Hanson, Britt W
Subject: Rezoning Transmittal east of Bisbee

Please review the attached transmittal for a rezoning of 10.51 acres east of Bisbee from R-36 to RU-4. Please have comments back by Monday the 29th. Thank you,

Peter Gardner
Planner I
Cochise County Community Development
Planning, Zoning, and Building Safety Division
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COCHISE COUNTY COMMUNITY DEVELOPMENT

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COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Daniel and Jo Oldfield

2. Mailing Address: 5288 N Lead Stravenue

Bisbee AZ 85603
City State Zip Code

3. Telephone Number of Applicant: 520.249.8119

4. Telephone Number of Contact Person if Different: () 5204324212

5. Email Address: milehighbisbee@gmail.com
101.36.045, 046, 048A,

6. Assessor's Tax Parcel Number: 049 - (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- ☒ Sole owner: X
- ☒ Joint Owner: X (See number 8)
- ☐ Designated Agent of Owner: _____
- ☐ If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- ☐ List attached (if applicable): _____

8. If applicant is not sole owner, indicate which notarized proof of agency is attached:

- ☐ If corporation, corporate resolution designating applicant to act as agent: _____
- ☐ If partnership, written authorization from partner: _____
- ☐ If designated agent, attach a notarized letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes X No _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: R-36

14. Indicate proposed Zoning District for Property: RU4

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Rural (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: House, barn,

greenhouse

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

House

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Oro Road, Lead Stravenue

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

Should have been R4

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____

Date: _____

Jo Oldfield
7-28-16

22

E HIGHWAY 80

23

W BASALT RD

N EASY ST

27

26

W ORO RD

INLAND STR

W ORO RD

N CHISOLM TRL

W HIGHWAY 80

W BRANDING-IRON TRL

SOLM TRL

Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Parcels
- Milepost
- Search Polygon



Z-16-03 (Oldfield)

This map is a product of the Cochise County GIS Information Technology Dept.



0' 1" = 1146'

Rezoning Docket Z-16-03 (Oldfield)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

J. Clinton Mapie, for Community Foundation for Southern Arizona Properties, Inc.

SIGNATURE(S):

YOUR TAX PARCEL NUMBER:

101-36-021
101-36-038

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-16-03 (Oldfield)

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

We are in Favor of Rezoning

☐ **NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): *Rafael A Duron Aurora A Duron*

SIGNATURE(S): *Rafael A. Duron*
Aurora A. Duron

YOUR TAX PARCEL NUMBER: *101-36-0116* (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I *(Signature)*
FOR: Paul Esparza AICP, Planning Director
SUBJECT: Docket Z-16-02 (Kerr)
DATE: September 1, 2016 for the September 14, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The subject parcel is 10.11 acres in size. The request is to facilitate dividing the parcel into five 2-acre parcels.

The subject parcel, APN 105-28-004A is located on S. Coronado Trail at the intersection with S. Parker Canyon Road. The Applicant is Scott A. Kerr.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.11 acres
Current Zoning: RU-4 (Rural; one dwelling per 4 acres) Proposed Zoning: RU-2 (Rural; one dwelling per 2 acres)
Growth Area: D – Rural Area
Plan Designation: Rural
Area Plan: None
Existing Uses: None
Proposed Uses: Single Family Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Vacant
East	RU-4	High Density Residential
West	RU-4	Vacant

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

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II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning on a 10.11-acre parcel adjacent to the Parker Lakeview Estates Subdivision from RU-4 to RU-2. This request is to facilitate splitting the parcel into lots of two acres minimum. The adjoining subdivision was platted in 1962, and is also zoned RU-4, however the parcel sizes vary from 7,800 square feet for small, single lots, to 64,000 square feet where multiple lots have been combined. Therefore, the entire subdivision is legal non conforming. Currently there are 48 homes on 103 parcels in the area of the platted subdivision. This request would permit up to five homes to be built on a site that would currently permit two homes. Other than maximum density, no other site development standards change from RU-4 to RU-2. The only change in uses is that Medical Marijuana Uses, which have not been requested, are permitted in RU-4 but not in RU-2.

Several of the access roads for the subdivision run through the subject parcel, and have been a cause of contention and litigation. One street in particular, W. Montezuma Place, is only accessible by travelling through the Applicant's property. While a technical analysis of the request is generally favorable, special care must be taken to preserve existing access, as well as to ensure that any potential lots created from the subject parcel remain feasible lots.





Views of the terrain



Views of the creek



IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-2 zoning is permitted in the Category "D," "Rural" areas, so this request to rezone complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request. Five of the criteria are met as is, and the remaining five are met with the recommended Conditions of approval.

1. Provides an Adequate Land Use/Concept Plan: Complies with Conditions

The Applicant intends to create five lots from the 10.11-acre parcel; however, he has not yet submitted a preliminary plat. The regulations require a conceptual plat with the application, and a formal submittal within three years. Based on the limited scope of the request, which will not require a full subdivision plat, the conceptual plat may be waived; however, a full split should be submitted prior to split so that other the other factors listed below may be verified.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 10.11-acre site is developed. Downzoning to RU-2 would not negatively impact the ability of the parcel to be further developed. The only site development standard that would become less stringent is the maximum density. The Applicant must remain aware that under both the current RU-4 and proposed RU-2 zonings that all structures must remain a minimum of 20 feet from all property lines and road travelways.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

While the surrounding area is all zoned RU-4, the existing legal nonconforming subdivision to the east consists of lots ranging from 7,800 square feet to 64,000 square feet, all of which are smaller than the 87,120 square foot minimum in RU-2.

6. Rezoning to More Intense Districts: Not Applicable

As indicated above, while this request would create a higher density zoning district, the developed subdivision to the east is developed at a much higher density than this proposal will create.

7. Adequate Services and Infrastructure: Complies with Conditions

All roadways currently exist, but have been the subject of recent litigation, as they are the sole access to a number of parcels, but cross this privately owned parcel. In addition, the topography and natural watercourses on the parcel may hinder the ability to install traditional septic systems. The Applicant shall work with the Highway and Planning Departments to ensure all sites remain accessible and functional.

8. Traffic Circulation Criteria: Complies with Conditions

While the potential additional trips generated from granting the rights to three additional homes will not adversely impact the road network, there are several roadways that pass through this parcel. One of these, W. Montezuma Place, is accessible only via this parcel. There have already been problems with this access, culminating in litigation. To prevent future access issues to other sites, as well as the lots to be created, the Applicant shall work with the Highway and Planning Departments to ensure correct access is granted.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway; no new roads are proposed.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Complies with Conditions

In addition to the roadways, the site has significant grades, rocky areas, and a creek running through it. Any proposed division must take these features into account, both to protect the environment, and to ensure that the lots are physically buildable.

12. Water Conservation: Complies with Conditions

Upon submittal of the proposed split for review, water conservation measures must be detailed.

13. Public Input: Complies

The Applicant completed a Citizen Review, and Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on August 9, 2016. Staff posted the property on August 230, 2016 and published a legal notice in the *Bisbee Observer* on August 25, 2016. Staff received eight letters in support, three in opposition, and one with concerns but not opposition.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property does not lie within an adopted Area Plan.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received eight letters in support, three in opposition, and one with concerns but not opposition. Those in support cited the large lot sizes relative to the existing subdivision lots and the benefits to the community and water company from additional new homes. Those in opposition cited concern about additional density and traffic, water contamination, loss of water service, and the impact on the topographical features present on the site. One homeowner expressed concern about water, waste, and access, but was not opposed if those issues were to be addressed.

VI. SUMMARY AND CONCLUSION

The request is for a rezoning, from to RU-4 (Rural; one dwelling per four acres), to RU-2 (Rural; one dwelling per two acres) on a 10.11-acre parcel located on S. Coronado Trail in Parker Canyon. At this time, the area is characterized by open expanses, with all current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area and create a buffer between the small subdivision lots and larger RU-4 zoned parcels;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Eight letters of support have been received.

Factors Against Approval

1. Without a conceptual split plan, Staff cannot guarantee that access issues, topographical issues, and appropriate site development standards will be met;
2. Three letter of opposition or concern have been received.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres) on a 10.11-acre parcel located on W. Coronado Trail in Parker Canyon to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The Applicant shall work with the Highway Department to submit for Board of Supervisor acceptance and, if applicable, dedicate road easements to ensure access to the public; and
4. The Applicant shall submit within 12 months a proposed split map identifying all proposed and existing property lines, all proposed and existing easements, and building envelopes.

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. Citizen Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Scott A. Kerr
2. Mailing Address: 1567 RANCHO de LUKE
ELGIN AZ 85611
City State Zip Code
3. Telephone Number of Applicant: (480) 266-6926
4. Telephone Number of Contact Person if Different: (480) 266-6926
5. Email Address: ECODYKID.KERR@gmail.com
6. Assessor's Tax Parcel Number: 105-28-004A (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - ☐ Sole owner: _____
 - ☒ Joint Owner: X (See number 8)
 - ☐ Designated Agent of Owner: _____
 - ☐ If not one of the above, explain interest in rezoning: _____
7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - ☒ List attached (if applicable): X
8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:
 - ☐ If corporation, corporate resolution designating applicant to act as agent: _____
 - ☒ If partnership, written authorization from partner: X
 - ☐ If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No X

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU4

14. Indicate proposed Zoning District for Property: RU2

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Rural (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: NONE

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: open

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

548C, W. CORONADO TRAIL,

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 5

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PARKER SPRINGS WATER CO.	
Sewer/Septic	SEPTIC	
Electricity	NONE	
Natural Gas	NONE	
Telephone		
Fire Protection	CANBZO/ELGIN FIRE	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). IT FITS INTO THE

CHARACTER OF THE EXISTING NEIGHBORHOOD.
IN THE TRANSITION ZONE. COMING FROM R44
TO R42 MAKING 5 LOTS.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: 

Date: _____

OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing my signature hereon.

[illegible]

027

Authorization form for Rezoning

This authorization fore is in reference to the rezoning of parcel 105-28-004A consisting of approx 10.00 acres located in Cochise County. I, Nancy Ortiz being half owner in said property do herby grant Scott Kerr the authorization to work on our behalf to rezone from RU4 to RU2.

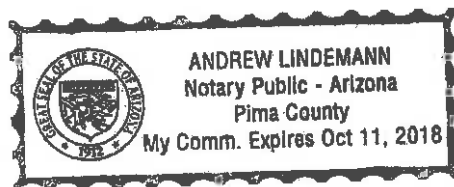
Signed: Nancy Ortiz



Date:

7/26/16

Notary:





Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Parcela
- Milepost
- Current Features



Z-16-02 (Kerr)
029

This map is a product of the
Cochise County GIS
Information Technology Dept.





Cochise County
Community Development
Highway and Floodplain Division

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MEMORANDUM

Date: August 29, 2016
To: Peter Gardner, Planner 1
From: Karen L. Lamberton, AICP, County Transportation Planner
Subject: Kerr Re-Zoning/Z-16-02/Parcel #105-28-004A

This re-zoning proposes modifying the land designation from RU-4 to RU-2 on one 10.17 acre parcel in the southwest area of Cochise County. The applicant plans to then split his parcel and sell the smaller lots.

Traffic Analysis

Access is taken from Parker Canyon Rd., the access road to Parker Canyon Lake, portions of which are maintained by the U.S. Forest Service. With the proposed re-zoning, one residential unit would be allowed per 2 acres, potentially resulting in an average trip generation estimate of 47.85 vehicle trips per day. Given that this property owner also owns a contiguous adjacent parcel it is unlikely that the parcel will be split into its maximum potential of five additional lots (which could trigger the need for a minor expedited subdivision). This re-zoning would theoretically increase the potential traffic impacts on the roadway network slightly (from a potential of about 20 vehicle trips per day with the current RU-4 zoning). The proposed change, while it would allow about double the number of housing units than currently allowed under existing zoning, is not likely to create new traffic circulation patterns or overburden the maintained access roadways.

County Maintenance of Roadway Network

This area has historically been maintained as primitive roads, most created in the timeframe of 1969-1975. Limited maintenance is provided on native-surfaced historic roads; typically for low-volume primitive roads blading is conducted once or twice a year. The roads subject to this parcel have been historically maintained but County records show most of these roads as not officially on our primitive road maintenance lists. However, the underlying roadway easements are recorded as dedicated to the public. Confusion over exactly where these easements were and the legal rights of access on them has been recently resolved with a recorded survey and a Grant of Easement dated May 24, 2016. No special driveway requirements apply to a residential use on a non-county maintained roadway; however, if taking access from even a primitive roadway, if it is maintained by the County, would require a ROW/Encroachment Permit at time of construction and minimum driveway standards (width, surface type, clear zones) would need to be met. New property owners cannot have an expectation of all-weather access or frequent maintenance on any of the access roads serving the potential lot splits.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use, as it currently exists, and is not likely to adversely impact traffic circulation or trip generation in the area. Platted smaller lots are adjacent to this proposed re-zoning. This proposed RU-2 zoning would provide an appropriate transition from those smaller lake-view lots east of the subject parcel to the larger parcels and Parker Canyon Lake recreational area that surround the other three edges of the subject parcel.

Advisory Note for the Applicant

Signs that indicate that roads in this area are not public roads are misleading as the roadway easements are for the general public as well as access to county-maintained roadways in the Parker Lakeview Estates. It appears that county-maintenance has been provided in the vicinity of at least one such sign, indicating the expenditure of public funds on a public easement. These roads cannot be signed as restricted to only private property owners.



Cochise County
Community Development
Highway and Floodplain Division

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INTEROFFICE MEMO

Date: September 1, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-16-02 (Kerr)

Background: The applicant is requesting a rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The subject parcel is 10.11 acres in size. The request to facilitate dividing the parcel into five 2-acres parcels.

The subject parcel, APN 105-28-004A, is located on S. Coronado Trail at the intersection with S. Parker Canyon Road. It is further described as being situated in Section 23, of Township 19 South, Range 17 East of the Gila and Salt River Meridian, in Cochise County, Arizona. The applicant is Scott Kerr. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is via S Coronado Trl or W Coronado Trl connecting to Highway 83/Parker Canyon Road or Montezuma Canyon Road.
- The subject parcel is segmented by S Coronado Trl, W Coronado Trl and W Montezuma Pl and these roads serve the adjoining Parker Lakeview Estates subdivision.
- Roads within Parker Lakeview Estates are dedicated at various widths per Book 4 of Maps and Plats, page 92 and are county maintained.
- 2 Grants of Easement to the public were recorded without approval of the Cochise County Board of Supervisors. These Grants of Easement are across the subject parcel and are in violation of Cochise County Ordinance 013-94.
- The segments of S Coronado Trl and W Coronado Trl and W Montezuma Pl within the subject parcel are under discussion to become part of the County maintenance system.

Highway and Floodplain
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highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
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Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Recommendation:

- That the applicant coordinates with Highway and Floodplain staff to re-align easements as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.
- That the applicant separate that portion of S Coronado Trl from the public easement as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.
- That the applicant submit the original easement to be re-recorded should the Board of Supervisors accept certain road segments for maintenance as identified in the letter from Joaquin Solis to Scott Kerr and dated ____.



Cochise County
Community Development
Highway and Floodplain Division
Public Programs...Personal Service
www.cochise.az.gov

September 1, 2016

Mr. Scott A. Kerr
1567 Rancho De Luxe 3541 S. Camellia Pl.
Elgin, AZ 85611 Chandler, AZ 85248

Subject: Fifty-foot (50') Grant of Easement within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

Mr. Kerr,

The Cochise County Highway and Floodplain Department has received 1) a request to add previously maintained road segments back into the County road maintenance system, 2) a copy of recorded 50' wide grants of easement to the public for the proposed road segments and 3) an application to rezone 10 acres of land traversed by the proposed road segments. Regarding the rezoning, comments will be provided in a separate document.

Regarding your easements granted to the public, we have a problem. Ordinance No. 013-94 (attached) regulates the creation of all public easements or rights-of-way within Cochise County. The ordinance requires formal Board of Supervisor acceptance for any public easement and lacking such acceptance the County is required to disclaim the public easement and obtain compensation for costs incurred. One way to solve this problem is to add road segments to County maintenance, obtain Board acceptance of the easements and re-record the grants of easement to make them legitimate. The County prefers to work with you.

First, the Department policy requires that substandard road segments must be dropped in order to add other substandard segments. The Department would like to approach the Board to override policy and allow the addition of certain road segments that provide the connectivity or continuation of the Parker Lakeview Estates subdivision roads. However, the Department shall not consider the road segment that serves as secondary access to Highway 83/Parker Canyon Road because it does not provide the same connectivity in comparison to the other segments. Attached is a copy of the easement exhibit drawing by Alta Land Survey, with County edits. The portion labeled EASEMENT 1 and circled in red is the portion that shall be removed from the public easement.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

051

Subject: Fifty-foot (50') Grant of Easement request within parcels 105-30-003C and 105-28-004A to Cochise County for inclusion in County maintenance.

Second, a portion of the easement must be re-aligned. A fifty-foot (50') wide easement is acceptable. However, Right-of-way staff and I performed an inspection and based on survey staking, the easements are not centered on the existing roads. Further, there are natural features within the off centered easement, such as washes, that inhibit maintenance or the placement of a road. On the attached Alta Land Survey easement exhibit drawing, a portion from POINT B to POINT OF TERMINUS EASEMENT 2 is within the bottom of the existing wash bed. In order to be accepted, the easement must be re-aligned outside of the bottom of the wash approximately 50' and transitioned to the existing road centerline as shown on the attached in blue.

Once the easements are re-aligned and original documents submitted to the County, the department will prepare a formal request to the Board of Supervisors to reinstate maintenance for the connecting road segments and accept the public easement. If approved, the easement will be re-recorded to correct the legal description and public dedication acceptance.

We look forward to working with you to resolve these issues. If you have any questions, please contact Right-of-Way staff at (520) 432-9300.

Sincerely,

Joaquin Solis, P.E.
Highway & Floodplain Assistant Director

Attachments:

Cochise County Ordinance 013-94
Alta Land Survey easement exhibit drawing with County edits

CC: Britt Hanson, Chief Civil County Attorney
Karen Riggs, P.E., RLS, Highway & Floodplain Director

Mr. Kerr references the water company as a source of water. We want to point out that there is no infrastructure in place to supply water to 105-28-004A. Mr. Kerr has stated that he does not intend to develop the property, but to sell two acre parcels divided along the lines of the current roadways. This will leave each 2 acre parcel without a definite connection to the water company.

The water company does have concerns regarding the proliferation of private water wells on that 10 acres along with other large parcels within the CC&N that also do not have main line infrastructure in place. There are currently two private wells within the subdivision (one extremely close to a septic system) and another on a five acre parcel within the CC&N.

We are not within an Active Management Area (AMA) and ADWR doesn't seem to have any constraints on approving private water wells.

**Tax Parcel 105-29-065**

Julia
8-15-2016

Gardner, Peter B

From: Susan Gallaher [susangallaher@comcast.net]
Sent: Friday, August 26, 2016 7:25 PM
To: Gardner, Peter B
Subject: D-Z 16-02 Kerr Parker Canyon Lake Rezoning

Mr. Gardner, my comments with regards to the rezoning of Mr. Kerr's property are as follows:

- 1) Water supply: how will the lots be served with a water source and or infrastructure for same. Each lot will need a water source and I am concerned about the potential issues with the addition of new wells and how this will affect the lake and existing wells that serve the subdivision.
- 2) Human Waste: What will be the possible impact of possibly five septic systems and the effects on water quality within the lake and surrounding area.
- 3) Conditions of access: Will the addition of the lots have any impacts on the existing subdivision with regards to traffic etc.

I am the owner of a home within the existing subdivision of Parker Lakeview Estates.

I hope all of these potential impacts will be carefully reviewed and any possible mitigating factors by Mr. Kerr will be considered before approval.

Thank you for the opportunity to comment.

Dave Gallaher
5101 N Via Entrada
Tucson, AZ 85718
520-299-9430

Rezoning Docket Z-16-02 (Kerr)

AUG 17 2016



YES, I SUPPORT THIS REQUEST

PLANNING

Please state your reasons:

Considering our parcel of land, Lot #69, is
1/4th of an acre, a 2 acre parcel would be an estate!
I/we support Steve Kerr's proposal
Scott

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Joan L. Meggitt and Michael W. Giscombe

SIGNATURE(S):

Joan L. Meggitt
Michael W. Giscombe
#10529069

YOUR TAX PARCEL NUMBER: (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)

AUG 17 2016

PLANNING

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Frank A Shipp & Diana D Shipp

SIGNATURE(S):

Frank A Shipp
Diana D ShippYOUR TAX PARCEL NUMBER: 105-30-003B (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

I support this change. I appreciate having neighbors and the 2 acre parcels are gracious sized lots compared to the 1/3 acre lots in the nearby Cabin Community. Mr Kerr is a supportive, caring contributor in our community and we are also very supportive of him as well. Thank you for providing us an opportunity to share our thoughts on this matter

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Pamela Ann Ezell

SIGNATURE(S):

Pamela Ann Ezell

YOUR TAX PARCEL NUMBER: 10530003A (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on **September 14, 2016** for the Planning and Zoning Commission and **October 11, 2016** for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)

☒ **YES, I SUPPORT THIS REQUEST**
Please state your reasons:

*I have no problem with this rezoning
The community it butts up against, Parker
Lake new Estates are all very small lots.*

☐ **NO, I DO NOT SUPPORT THIS REQUEST:**
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Linda M. Grant *lots 24, 25, 26*

SIGNATURE(S):

Linda M. Grant

YOUR TAX PARCEL NUMBER: _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket 7-16-03 (Kerr)

☒ YES, I SUPPORT THIS REQUEST
Please state your reasons:

*I think its a good way to stimulate growth.
It would be a benefit to the community*

☐ NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S):

Barry F. Kerr

YOUR TAX PARCEL NUMBER: 105-29-024 2 (the eight digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission, and by Friday, September 23, 2016 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-16-02 (Kerr)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

DANA HIEROLD

SIGNATURE(S):

Dana Hierold

YOUR TAX PARCEL NUMBER: 10529095 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

043

Rezoning Docket Z-16-02 (Kerr)

☒

YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLEASE SEE ATTACHED COMMENT

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JUDE McNALLY & JANET McNALLY

SIGNATURE(S):

[Handwritten signatures of Jude McNally and Janet McNally]

YOUR TAX PARCEL NUMBER:

10529021

(the eight-digit identification number found on the tax statement from the Assessor's Office)

10 52 9022

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO:

Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Peter Gardener,

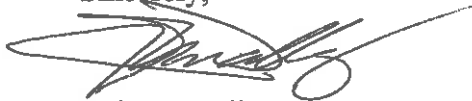
I appreciate the opportunity to comment on Docket Z-16-02 (Kerr). I am strongly in favor of rezoning parcel 105-28-004A from RU-4 to RU-2.

As a neighborhood Parker Canyon Lake View Estates (PCLVE) is in trouble. Only 30% of the homes are in reasonably good condition receiving some regular maintenance to maintain their condition. Roughly 35% are in poor condition largely owing to the property owner's neglect. Up to 35% of the houses are effectively abandoned, never having been code compliant, they are now in dangerously dilapidated condition. Not surprisingly all property values are suffering.

The proposed rezoning creates an opportunity for new homes (built to code) to begin to shift the neighborhood balance. With only about 40 homes in PCLVE, 5 homes could shift the community dynamic significantly. The new homes themselves will add value, but may additionally provide other owners incentive to repair and maintain the still redeemable properties in the neighborhood.

I would hope that the Zoning Commission and/or their staff would take some time to drive through PCLVE to see firsthand the potential of this very unique community. I believe the situation I have described will be immediately apparent if you visit the community.

Sincerely,



Jude McNally



Janet McNally

Owners of parcel APN 105-29-021 and APN 105-29-022

Rezoning Docket Z-16-02 (Kerr)

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

See Attach

☐ **NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JAMES W. Colville Robbie A. Colville

SIGNATURE(S):

*James W. Colville
Robbie A. Colville*

YOUR TAX PARCEL NUMBER: *See attach* (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **4 PM on Monday, August 29, 2016** to be included in the staff report to the Commission, and by **Thursday, September 29, 2016** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the August 29, 2016 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on **September 14, 2016 for the Planning and Zoning Commission and October 11, 2016 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

AUG 29 2016

PLANNING

James W. Colville
4212 W. Tombolo Trail
Tucson, AZ 85745

August 23, 2016

Peter Gardner, Planner 1
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Re: Rezoning Docket Z-16-02 (Kerr)

Dear Mr. Gardner,

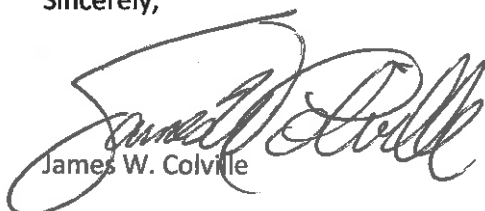
I would strongly recommend that Mr. Kerr's request for rezoning be approved. We are a small community and have a very small community water company (20-25 meters). We are struggling financially, and the rezoning could result in new water company customers, which we would welcome with open arms. This property has been ignored for years, and presents somewhat of a fire hazard. To have people develop the property and clean it up would be advantageous to the whole neighborhood.

Parker Lakeview Estates consists of very small lots. Two-acre parcels would provide more than an adequate buffer for the subdivision.

I am presently out of Arizona on vacation so I cannot provide parcel numbers for my property, but I assume that you have access to them. I own two lots in the subdivision, and a five-acre parcel outside of the subdivision, but contiguous thereto.

If you would like additional comments, please let me know.

Sincerely,


James W. Colville

Gardner, Peter B

From: Greg Saxe [Greg.Saxe@pima.gov]
Sent: Wednesday, August 31, 2016 3:57 PM
To: Gardner, Peter B
Cc: greg saxe (gregsaxe@hotmail.com)
Subject: Kerr Rezoning Docket Z-16-02

Dear Sir;

Thank you for speaking with me yesterday. While I hesitate to submit a formal letter of opposition due to being a neighbor and friend I am opposed to increased density or yield on the subject parcel.

I am the owner of a small owner built weekend cabin intended for quiet enjoyment of the natural surroundings including Parker Canyon Lake. I believe the subdivision layout effectively keeps densities low along the main county road to the lake in order to buffer the lake and national campground visitors from the noise associated with residences and also the lake from pollutants from our septic systems. The subdivision water well was recently moved from just downstream of Mr. Kerr near the lake to above it at the top of the hill where the densities and elevation are greatest with good reason. It had become polluted with nitrogen in excess of clean water act standards and the Forest Service would not extend the lease. The water company obtained a WIFA loan for this purpose and have priced many of us out of water service at over \$80/month for a weekend cabin with no use after opposing our use of a composting toilet acceptable to ADEQ! We now truck water for our toilet. The water company supports development to subsidize this expansion and maintenance for those who wish to live there full time instead of a fishing cabin type intensity as initially intended.

You may not be aware that the original landowner CCRs for Parker Lakeview Estates had a maximum cabin size and prohibition on generators. Parker Canyon Water Company dba the Parker Canyon Estates Homeowners Association has presented itself as such and recorded illegitimate CCRs requiring cabins be of a minimum size and have a septic system, these impact homeowners who are company customers only, not everyone as they contend. This precludes development for those in lower income brackets as the lots are steep and thin and therefore very limiting for septic installation. While this may not be directly germane it indicates the original design was for small cabins clustered at a higher elevation such that the lake water quality and visitor experience was retained.

I am also concerned about the riparian area which flows across his property through a slot canyon below the rock outcrops and feeds the lake. It is a significant wildlife corridor.

Still as a cabin owner my main concern is keeping the viewshed predominately natural during the day, dark at night and quiet always by maintaining low densities and modest house sizes and heights, and limiting generator use to daylight hours. Thank you.

This comment is in no way associated with Pima County and is solely my own opinion. My address at Parker Canyon is 7918 S Coronado Trail, in Tucson it is 3590 E Gibbon Mountain Place.

If replying please reply to my personal email above.

*Greg Saxe, PhD MRP
Environmental Planning Manager
Pima County Regional Flood Control District
201 North Stone, 9th Floor
Tucson AZ 85705
(520)724-4600*

043

COCHISE COUNTY

AUG 26 2016

PLANNING

Date: August 18, 2016

To: Cochise County Planning and Zoning

From: Barbara and Mike McKearney

Subject: comment on the request to rezone parcel number 105-28-004A, a 10.20 acre lot

My mother, Barbara McKearney, owns the residence located at 9094 Coronado Trail, Elgin. Together, we have prepared comments in response to a notice of intent to rezone.

We are submitting this letter in order to voice our concern for the proposal to rezone the above referenced lot from RU4 to RU2. The lot is located in Parker Canyon Estates, a small sub division located just east of Parker Canyon Lake.

Our concerns are centered on public safety and the lack of infrastructure to support smaller lot sizes and ultimately additional structures and traffic. The current road system is poor and is not up to standards in terms of grade, storm water runoff, surface, width, etc. The area is located in an urban interface zone and the threat of wildfire is high.

Based on the current road system and other infrastructure concerns, we are opposed to the rezoning of the parcel. Additional structures will add strain to an area that is already over taxed and will negatively affect public safety.

Sincerely,



Mike McKearney



Barbara McKearney

Opposition to the Kerr rezoning request.

My name is James Even and I have been a cabin owner at Parker Canyon Lake since 2004. I also own three lots across from our cabin on South Coronado Trail directly in front of the parcel in question. While I have a very positive and friendly relationship with Mr. Kerr, I am very concerned about the additional density included in his request. I am opposed to this rezoning on several levels.

First, we purchased our property for a retreat that the Parker Canyon Lake area provides. We value the slower pace, the peaceful surroundings that provide great outdoors activities and experiences. When we bought our property, our research revealed that the large parcel of land below our cabin was zoned RU-4 and thus would only allow one house per four acres. This was of great comfort to us as we wanted to ensure that the lifestyle we sought would remain permanently. This development seeks to change that forever.

Next, I believe the additional traffic would change our outdoors retreat to a busy sub-division with all of the noise, just from all of the contractors, sub-contractors, realtors and suppliers, alone. At the completion of the sub-division, we would have five additional families and their friends and guests unitizing all of the amenities of our neighborhood. I am also afraid that the new homes or cabins will affect the views of the lake and other native vegetation; from both our existing cabin, but also the additional cabin we hope to build as our family grows up and expands.

Lastly, and most importantly, I am gravely concerned about the impact this sub-division will have on our water company, whether as additional water users within our system or if the new owners drill five individual wells. If we are responsible, as current water company owners and members, the costs to connect each of these properties to our water company alone will have an incredibly negative impact! Maybe more importantly, is the impact of five new wells on the water table. There is no impact study that I am aware that outlines how this will impact our water supply going forward.


Equally important to a clean, healthy water supply is the impact of five new septic systems. This is troubling as all of the new lots run-off and septic systems will obviously flow downhill towards Parker Canyon Lake. This effects, not only the lake, but also could affect our water supply.

In conclusion, I am opposed to this rezoning. I have no idea what is planned or what the impact of this new sub-division will be on our properties and/or the neighborhood in general.



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I 
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket SU-16-14 (Brant)
DATE: September 1, 2016 for the September 14, 2016 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization for dog breeding in a Rural (RU-4) zoning district. The Applicant is proposing to relocate an existing pug breeding operation to the location. The proposed use is considered Animal Husbandry Services and requires a Special Use Authorization per Section 607.07 of the Zoning Regulations. The applicant is Kimberly Brant.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.07 Acres
Zoning: RU-4 (Rural; One dwelling per four acres)
Growth Area: Category D-Rural Area
Comprehensive Plan Designation: Low Density Residential
Area Plan: Mid Sulphur Springs Valley
Existing Uses: Residential
Proposed Uses: Animal Husbandry

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential
South	RU-4	Rural Residential
East	RU-4	Vacant Land/State Land
West	RU-4	Rural Residential

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
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520-432-9278 fax
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floodplain@cochise.az.gov

051

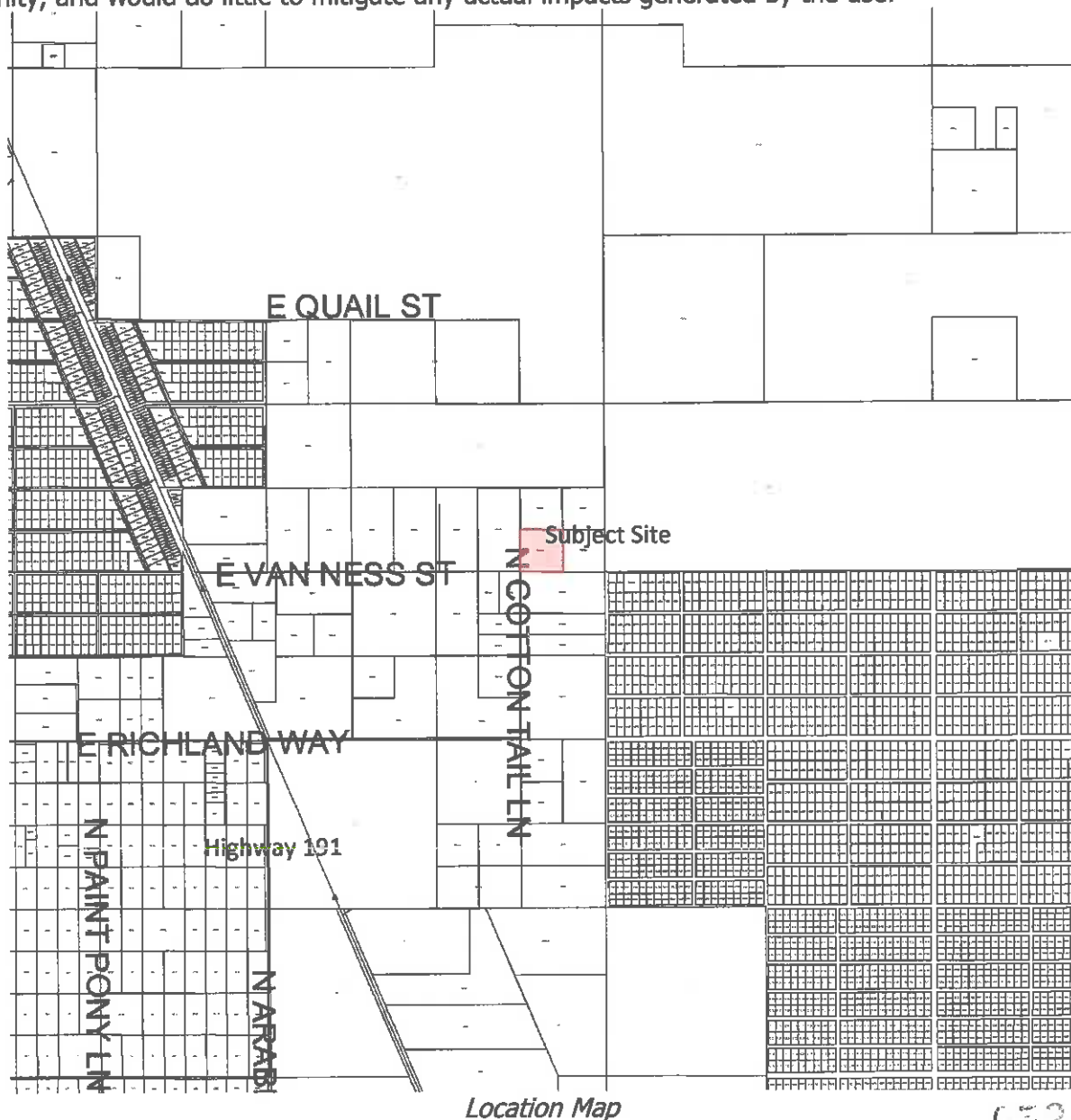
II. PARCEL HISTORY

2002 – Permit issued for Manufactured Home and Septic

2005 – Permit issued for Accessory Structures

III. NATURE OF REQUEST

The Applicant is requesting a Special Use Authorization to approve a Pug Dog Breeding business at an existing rural residential site. The Applicant currently operates a Pug Dog Breeding business, Hawleywood Pugs, in Massachusetts, and is proposing to relocate her business to Cochise. As the proposed dogs, Pugs, are brachycephalic, they will be kept indoors the majority of the time. This will mitigate many of the typical concerns about large numbers of dogs concentrated on a site, including noise, odors, and waste. While clients are encouraged to visit their pups during the weaning weeks, the traffic generated will be sporadic, and not inappropriate for a Rural Residential site. Staff is recommending that the site be treated as a residential site for traffic and parking site development standards, as well as recommending a waiver for any screening requirements, as such screening would be out of character for the surrounding community, and would do little to mitigate any actual impacts generated by the use.



Location Map

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Seven of the ten factors apply to this request. The project, as submitted, complies with six of those seven factors. With the requested and recommended Conditions and Modifications, it complies with the other factor. The three remaining factors are not applicable to this application.



Aerial view of the site.

A. Compliance with Duly Adopted Plans: Complies

The proposed project complies with the goals and policies of the Comprehensive Plan and the Mid Sulphur Springs Area Plan.

The Economic Development Element encourages supporting entrepreneurship such as this small business. The Area plan encourages “Cottage Industries” such as the proposed use in the Low Density Residential areas, as they provide economic activity without unduly burdening the local rural infrastructure.

B. Compliance with the Zoning District Purpose Statement: Complies

053

The purpose statement of the Rural Zoning District in Article 6 includes seven points, three of which are

met by this request. The proposal will; encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living; provide space for people, minimize traffic congestion, and preserve the existing rural environment of the unincorporated areas of the County situated outside of existing communities; and allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site. The proposed use is compatible with rural living, as dogs are a common fixture in rural areas, and offsite impacts will be mitigated by locating the dogs indoors. The use will not generate increased density or traffic beyond what currently exists in the community, nor does the use clash with the existing rural residential development.

C. Development Along Major Streets: Does Not Apply

No County Maintained Roads are used to access the site, and there is no new access from Highway 191 proposed.



Road access to the site.

D. Traffic Circulation Factors: Complies

While the proposed use will generate some traffic, it will not be out of character for the existing rural residential neighborhood, nor will it overload the existing road network.

E. Adequate Services and Infrastructure: Complies with Modifications

The site is accessed via E, Van Ness Street, which is a privately maintained roadway. SSVEC provides electric services. An existing well provides water and an existing septic system will provide waste disposal.

The current parking infrastructure and driveway are native surface and under width for a non-residential use, however Staff recommends permitting the site to use residential site development standards for driving and parking areas.

F. Significant Site Development Standards: Complies with Modifications

To comply with this factor, several modifications will be required from the Commission; Section 1804.07.B (to allow existing native surfacing on parking/driveways) and 1804.06.F.3 (driveway width). Staff supports the.



View of the existing structures.

G. Public Input: Complies

The Applicant sent letters to all property owners within 1,500 feet of the parcel to notify them of the application and to address any neighbor concerns. Staff has also mailed notices to the same property owners, and has received one letter of support and two letters of opposition

H. Hazardous Materials: Does Not Apply

The Applicant states that no hazardous materials will be used or stored on site.

I. Off-Site Impacts: Complies

Most of the activities will take place indoors, with some outdoor time for the dogs. The site will be kept clean of animal waste, which will control odors and pests. Staff is recommending a waiver from the requirement for a six foot high solid screen, as in the low density rural areas, such a screen is more visually intrusive than the use being screened.

J. Water Conservation: Does Not Apply

No new construction is proposed; therefore, the standards in Article 18 do not apply.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant is requesting several modifications to the County's site development standards from the Commission;

1. 1804.07.B (allow existing native surfacing on parking/driveways);
2. 1804.06.F.3 (minimum driveway width); and
3. 604.06 (screening requirement)

VI. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 1,500 feet of the subject property on August 12, posted the property on August 29, 2016 and published a legal notice in the *Bisbee Observer* on August 25, 2016. In response to applicant and County mailings, the Planning Department received two letters opposing this request, supporting it. The opposition letters cite property values, noise, and the number of dogs as concerns.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a Pug Dog Breeding, considered Animal Husbandry, at an existing rural residential site in an RU-4 zoning district with a Low Density Residential Area Plan Designation.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval and Modifications, the proposed use would fully comply with the applicable seven Special Use factors used by staff to analyze this request;
2. The Mid Sulphur Springs Area Plan Economic encourages cottage industries in areas designated Low Density Residential;
3. The proposal will provide a service to the community with minimal impacts; and
4. One letter of support has been received.

Factor Against Allowing the Special Use

1. The site requires two waivers from the Zoning Regulations to be conforming; and
2. Two letters of opposition from neighboring property owners have been received

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion: Mr. Chairman, I move to approve Special Use Docket SU-16-14, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

IX. ATTACHMENTS

- A. Application
- B. Parcel map, aerial, and site plan
- C. Agency comment memos
- D. Citizen comment



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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Docket No. SU-16-14
Date Received _____
Receipt No. _____

SPECIAL USE AUTHORIZATION QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER/APN 206-14-005B

APPLICANT Kimberly Brant

PHYSICAL ADDRESS OF THE PROPERTY 2304 N Cottonwood Lane
Cochise AZ 85606

CONTACT TELEPHONE NUMBER 413-339-5508

EMAIL ADDRESS: hawleywoodpugs@gmail.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

PROPERTY OWNER'S MAILING ADDRESS 11 Hunters, Hawley, MA 01339

REQUIRED SUBMITTALS

- ☐ Questionnaire with all questions completely answered (attached).
- ☐ A Concept Plan or Preliminary Site Plan in 8 1/2" x 11" or 11" x 17" hard copy, or electronic in jpg or pdf format. Please note that if a Concept Plan is submitted for the Special Use Authorization, a complete Site Plan will be required when submitting the Non-Residential permit application.
- ☐ If the applicant is not the property owner, provide a notarized letter from the property owner granting permission to the applicant to apply for the Special Use Authorization and to act as the owner's representative.
- ☐ Any other Attachments or Information required to adequately analyze your request.
- ☐ Applicant's Certification and Acknowledgement

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planningandzoning@cochise.az.gov

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520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

- ☐ Fees (\$300.00)
- ☐ Other Submittals as required based on the type, scope, and location of the proposed project
 - ☐ Hazardous or Polluting Materials Report
 - ☐ Off-site Improvement Plans
 - ☐ Soils Engineering Report
 - ☐ Landscape Plan
 - ☐ Hydrology/Hydraulic Report
 - ☐ Traffic Impact Analysis (TIA), Traffic Impact Statement (TIA), or Traffic Report (TR):
 - ☐ Outdoor Lighting Plan including lumen count

The Planner will advise you if and when any of the above attachments are required.

Project Description

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid delay in analyzing the request.

Describe the existing uses and structures on the property.

12x12 pump house - fuel tank
32x75 Barn - horses
30x40 Shop - storage

Describe the proposed uses, structures, and activities.

12x12 pump house - fuel tank
32x75 Barn - kennel for pugs
30x40 Shop - shop, garage, storage

Describe all the products and services that will be produced or sold.

We are pug breeders. We sell pug puppies.

What is the proposed time frame for construction and operation, including phasing if applicable?

6 months

Provide the following information (when applicable):

Days and hours of operation: Days: 7 Hours (from 10 AM to 4 PM)

Number of employees: Initially: 2 Future: 4

Number per shift Seasonal changes 1

Total truck traffic, including deliveries and shipment (e.g., by type, number of wheels, or weight)
appointment traffic only when puppies
are available. 4 wheel vehicles

At what time of day, day of week and season (if applicable) is traffic the heaviest?

N/A

Describe the physical access to your site.

Gated private driveway

Identify how the following services are or will be provided:

	Existing Utility Company/Service Provider	Proposed provisions to be made if services are not currently on site
Water	<u>Well</u>	
Sewer/Septic	<u>septic</u>	
Electricity	<u>SSVEC</u>	
Natural Gas	<u>N/A</u>	
Fire Protection	<u>uncovered</u>	

Describe all outdoor storage and activities.

dog walking

What noise, vibrations, dust, smoke, or odors will be produced that can be detected on neighboring properties? How will they be mitigated, controlled, or reduced?

Barking from the dogs is the only noise. The dogs
will be in enclosed structures to buffer noise.

If any activities will attract pests, what measures will be taken to control them?

N/A

What screening, if any is proposed?

N/A

Describe all outdoor lighting, including lighted signs.

motion detected lights will be on the outside
of all buildings

Describe the locations and dimensions of all existing and proposed signs, including any attached to a building.

2'x3' at main gate

Is there any regulated flood plain on the property?

Yes ___ No ☒

Are there any washes within 300 feet of the property?

Yes ___ No ☒

Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes ___ No ☒

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No ☒

If yes to any of these questions, describe and/or show on the site plan.

Show dimensions, locations, and materials of parking areas (including ADA parking), loading areas, and driveways.

Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No ☒ If yes, show details on the site plan.

How many acres will be cleared? What is already cleared

If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used.

What specific measures will be taken to conserve water on-site? Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described.

Water Saving Nozzles

Describe proposed landscaping, including what plants and materials are proposed.

Natural Vegetation

Does the proposed use involve hazardous materials?

No ☒ Yes ☐ If yes, complete the attached Hazardous Materials attachment.

Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, any required attachments, and on the concept plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Special Use Authorization.

Applicant's Signature Kimberly Brant

Print Applicant's Name Kimberly Brant

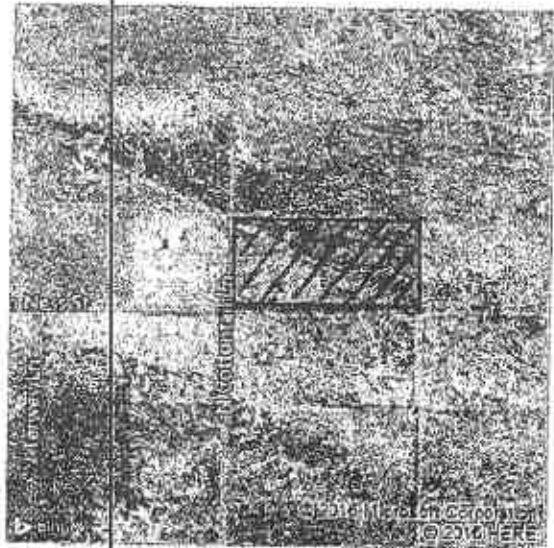
Date signed 8/2/16



My Notes



On the go? Use m.bing.com to find maps, directions, businesses, and more



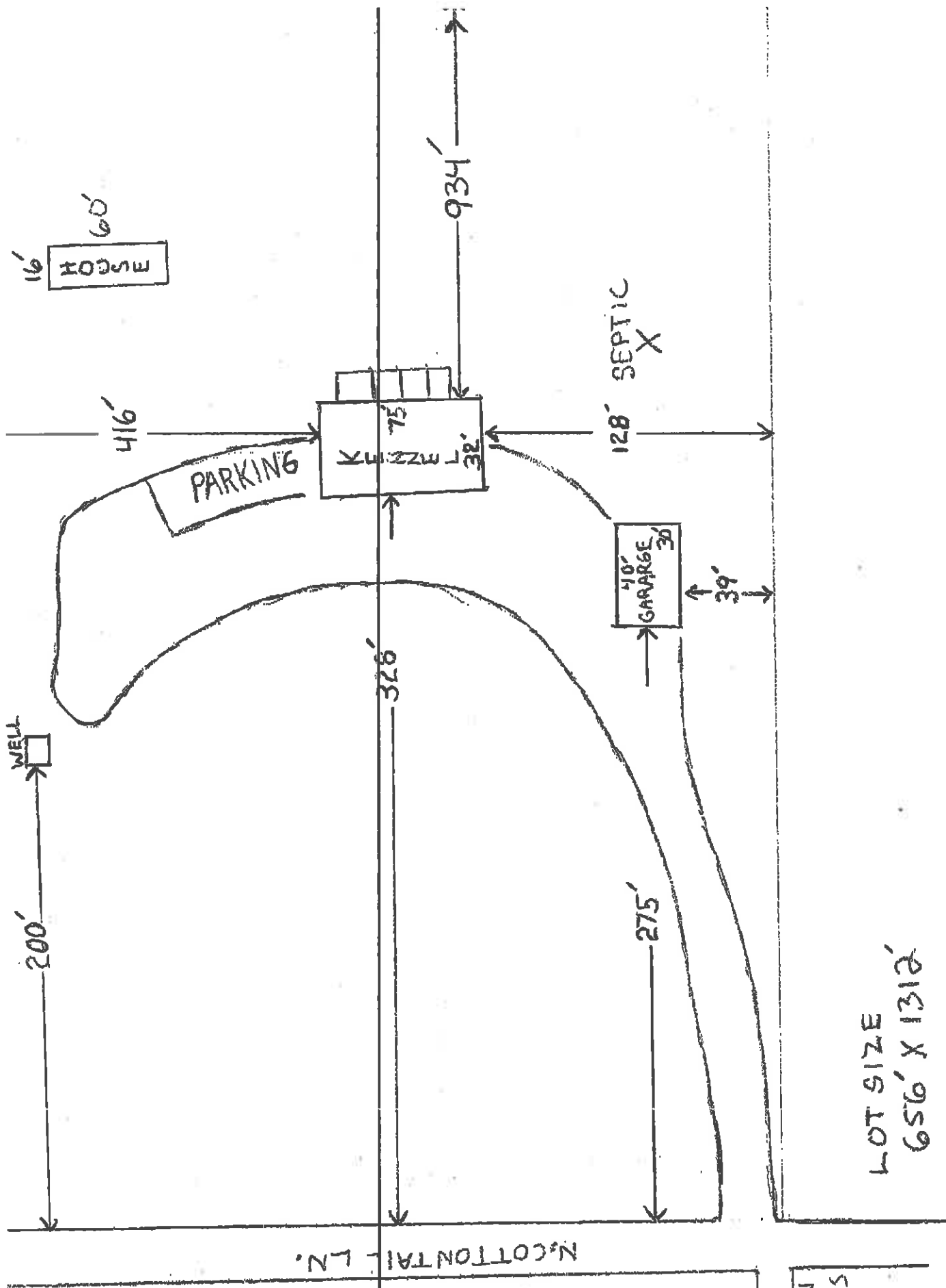
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520-432 9278

ATTN: Peter Gardner

E. VAN
NESS

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Cochise County
Community Development
Highway and Floodplain Division
Public Programs...Personal Service
www.cochise.az.gov

INTEROFFICE MEMO

Date: August 15, 2016
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: SU-16-14 (Brant)

Background: The applicant is requesting a Special Use authorization for dog breeding in a Rural (RU-4) zoning district. The applicant is proposing to relocate an existing pug breeding operation to the location. The purposed use is considered Animal Husbandry Services and requires a Special Use Authorization per Sections 607.07 of the Zoning Regulations. The Applicant is Kimberly Brant.

The subject property, 206-14-005B, is located at 2304 North Cottontail Lane, east of Highway 191, in Cochise, and is further described as Section 25, Township 16 South, Range 24 East of the Gila and Salt River Base, in Cochise County, Arizona. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from Highway 191, North of milepost 53, east on East Richland Way, north on North Cottontail Lane.
- Easements for Ingress, Egress and Utilities as shown of record in Book 3 of Surveys, page 49 & 49A, and as shown of record in Book 10 of Surveys, page 48, records of Cochise County, Arizona.
- Cottontail Lane is not a county maintained road.

Recommendation:

- No need for right-of-way dedication is required for Cottontail Lane at this time.

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1415 Melody Lane, Building F
Bisbee, Arizona 85603
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floodplain@cochise.az.gov

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planningandzoning@cochise.az.gov



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Highway and Floodplain Division

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MEMORANDUM

Date: August 23, 2016
To: Peter Gardner, Planner 1
From: Karen L. Lamberton, County Transportation Planner
Subject: Brant Pug Dog Breeding/SU 16-14/Parcel #206-14-005B

The Applicants are seeking to operate a pug dog breeding business on a parcel located in the northeastern area of the County.

We have no objection to issuing the requested Special Use Authorization with the following condition:

- The applicant will be required to submit a Private Maintenance Agreement during the Commercial Permit phase.

The applicant is seeking to operate a dog breeding operation in the area. Access is available via privately owned roadways for approximately 1 mile (Cottontail Lanes to Van Ness St.) and then connects to the state maintained Highway 191. No research was conducted about the sufficiency of any private or public easements on either Cottontail Lane or Van Ness St: it appears that there are no recorded easements in place on either of these private roadways: it is the applicant's responsibility to be assured of their legal right to use these roadways.

Traffic Analysis

There is not an equivalent use for a small, rural scaled dog breeding facility in the ITE Manual, 9th ed. The applicant estimates 2-4 employees, several of them appear to be family members living on site. It is likely that most of this traffic will be off-peak hours and much like a specialty shop, this proposed pet breeding activity is likely to produce only minimal and intermittent trips throughout the day. A use akin to this one, veterinary services, would be anticipated to produce approximately 54 vehicle trips per day, for a facility this size; however, that type of use tends to typically have hourly trips whereas pet breeding and sales tends to cluster around pet pick-up, after sales are conducted primarily on-line or by phone. There would be timeframes with many days of no trips at all and others when several visitors are on-site viewing or visiting their potential pet purchase. This site, as a dog breeding operation of this scale, is unlikely to produce any more vehicle trips per day than the high end of this parcel developed out to its full residential potential.

The closest maintained roadway is the state highway – given the very rural area that this site is proposed to be located is unlikely that this use will notably impact the traffic volumes or circulation on that state maintained roadway. 2015 traffic counts in this area on Highway 191 were 1,212

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annual average daily trips. This proposed use is likely to be consistent with the traffic pattern (agricultural, seasonal housing, residential) already in the area.

Private Maintenance Agreement

The applicant's access is off of a non-county maintained roadway. The applicant will be required, in keeping with the requirements of Zoning Regulation 1807.02 A., to provide a Private Maintenance Agreement at the Commercial Permit stage. This agreement will require the applicant to keep this segment of roadway in "passable" condition which means in a condition on which the average vehicle can travel on the roadway. This agreement does not require that the roadway be maintained to a county-maintained standard or to an all-weather condition.

Like all other native surfaced roadways in the County the access roads to this site are subject to changing conditions which include sudden and severe flooding, ruts, erosion and blowing dust. There is no expectation that the applicant will maintain the private segment of the roadway in any better condition than the County can manage to do in severe weather conditions. However, the applicant will likely have a higher motivation to bring the roadway back into passable condition than other property owners in order to provide access to their customers and the Private Maintenance Agreement formalizes the higher degree of obligation that they would have as a business owner along this residential roadway.

Recommendation and Advisory Note for the Applicant

Given the off-peak intermittent type of travel demand this use would generate, and given the seasonal nature of the proposed use no off-site improvements will be required of the applicant. It will be the applicant's responsibility to ensure that their access to their parcel and proposed business is in a passable and drivable condition for their employees and customers.

The conceptual site plan is adequate for the Special Use Authorization request but will not be adequate at the Commercial Permitting phase. The applicant will need to add a number of additional details, including driveway and site dimensions, a sight distance triangle indicating the clear zone for the driveway. Although the County does not regulate driveways taking access off of non-maintained roadways the applicants are advised that the driveway edge for a commercial use should be a minimum of 50 feet from the Van Ness intersection.

From: Cratsenburg, Diane E
Sent: Friday, August 12, 2016 10:20 AM
To: Gardner, Peter B; Lamberton, Karen L; Murphy, Teresa; Garcia, Teresa M; Izzo, Michael D; Flores, Dora V; Hanson, Britt W
Cc: Gilligan, Edward T; Vincent, Jennifer M; English, Ann S; Call, Pat G; Searle, Richard R
Subject: RE: Transmittal SU-16-14 (Brant) Pug Dog Breeding

Access does not include any roads on Cochise County maintenance; no ROW permit or off-site improvements for access required from Highway & Floodplain Division. Thanks for checking.

Diane Cratsenburg
Engr Tech III
Cochise County Community Development
Highway and Floodplain Division
1415 Melody Lane
Bisbee, AZ 85603
520-432-9327
520-432-9337 fax

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From: Gardner, Peter B
Sent: Friday, August 12, 2016 9:08 AM
To: Lamberton, Karen L; Cratsenburg, Diane E; Murphy, Teresa; Garcia, Teresa M; Izzo, Michael D; Flores, Dora V; Hanson, Britt W
Cc: Gilligan, Edward T; Vincent, Jennifer M; English, Ann S; Call, Pat G; Searle, Richard R
Subject: Transmittal SU-16-14 (Brant) Pug Dog Breeding

Please review the attached transmittal for a pug dog breeding operation in Cochise, southeast of the power plant. Please have any comments back by August 29. Thank you,

Peter Gardner
Planner I
Cochise County Community Development
Planning, Zoning, and Building Safety Division
1415 Melody Lane, Building E
Bisbee, AZ 85603
520-432-9300
520-432-9278 fax

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AUG 29 2016

PLANNING

Special Use Docket SU-16-14 (Brant)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

I AM TOTALLY IN FAVOR OF THE PUG-BREEDING AND HAVE NO OBJECTIONS WHATSOEVER. I FEEL THAT KIM BRANT, JOHN SCOTT, AND THEIR DOGS WILL MAKE A FINE ADDITION TO OUR LITTLE, FRIENDLY COMMUNITY. I HAVE SPOKEN TO THEM, AND THINK THEY WOULD BE A CREDIT AS NEIGHBORS.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

TOM LOPEZ

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 206-14-0066 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by September 12, 2016 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on September 14, 2016**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

071

Special Use Docket SU-16-14 (Brant)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We have a private breeder near our church and we have a big problem with noise in the area because of the barking. We bought this property as an investment + possible retirement property. A dog breeder near my property would lower my property values and make retirement there by us very unlikely

(Attach additional sheets, if necessary)

PRINT NAME(S):

Albert J. Brewster

SIGNATURE(S):

AJ Brewster

YOUR TAX PARCEL NUMBER: 207-04-090 3

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the public and other members of the public.

Special Use Docket SU-16-14 (Brant)

☐ YES, I SUPPORT THIS REQUEST
Please state your reasons:

☒ NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

This seems to be a commercial dog breeding business. We feel having that many dogs on personal property is a bit overboard. It may also drop property values.

(Attach additional sheets, if necessary)

PRINT NAME(S): Lamar & Tracee Hayward

SIGNATURE(S): Lamar Hayward
Tracee Hayward

* YOUR TAX PARCEL NUMBER: 20704075 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Monday, August 29, 2016 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Peter Gardner at the contact information listed on page one by September 12, 2016 to have your support or non-support noted verbally at the meeting; or you may personally make a statement at the public hearing on September 14, 2016. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E

073